

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

United States of America

v.

DAVID A. RINKE II

Case No. 11-9 ME

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 2006 to February 2011 in the county of Erie in the
Western District of Pennsylvania, the defendant(s) violated:

Code Section

18 U.S.C. §2252(a)(2)

Offense Description

Receipt and distribution of material depicting the sexual exploitation of a minor

18 U.S.C. §2252(a)(4)(B)

Possession of material depicting the sexual exploitation of a minor

This criminal complaint is based on these facts:

Please see attached Affidavit in Support of Criminal Complaint

☒ Continued on the attached sheet.


Complainant's signature

Jason Crouse, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 02/25/2011


Judge's signature

City and state: Erie, Pennsylvania

Susan Paradise Baxter, U.S. Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Magistrate No.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jason Crouse, being first duly sworn on oath, depose
and say:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) presently assigned to the Erie, Pennsylvania resident agency of the FBI and have been employed there since August 2002.

2. The information set forth below was obtained from FBI SA Jimmie Daniels of the FBI's Phoenix, Arizona office and by your affiant's own investigative activity.

3. On February 16, 2011, FBI SA Jimmie Daniels, while working undercover, signed on to a peer to peer file sharing computer network¹ via an Internet connected computer located at the FBI Phoenix office using an undercover screen name.

4. Upon signing on to the peer to peer network, SA Daniels queried the list of friends for the account he was utilizing and observed that an individual utilizing the username

¹
Your affiant has withheld the specific name of the peer to peer file sharing network involved in this case so as not to compromise the FBI's extensive undercover activity on this file sharing network which has increasingly become the network of choice for individuals exchanging child pornography.

"Hunter789" was logged into the network. SA Daniels proceeded to browse the shared directory of "Hunter789", labeled "Main folder". The shared directory labeled "Main folder" contained approximately 57,377 files. SA Daniels then observed, in thumbnail view, image files available for sharing in the "Main folder". SA Daniels was able to determine that many of the files being made available for sharing by "Hunter789" depicted minors engaged in sexually explicit conduct.

5. SA Daniels then downloaded a total of 66 image files and 5 video files directly from "Hunter789". A representative sample of the files downloaded by SA Daniels from "Hunter789" is summarized as follows:

- a) **!!! NEW !!! Amber - 7yr old pedo-preteen virgin pussy (SELECTIVE TRADE).wmv** - A video depicting a prepubescent female exposing her vaginal area. During the video the camera focuses on the minor's vaginal area as the minor uses her hands to further expose her vaginal area.
- b) **IMG_1119.jpg** - An image of an adult male, who is wearing a buttondown type shirt, placing his exposed penis into the vaginal area of a minor female who appears to be approximately one to two years of age. The minor female is laying on a couch with her dress pulled above her waist exposing her legs and vaginal area. The adult male has his hands on the minor's knees, holding her legs apart.
- c) **1262369908947.jpg** - An image of a naked prepubescent female sitting on a toilet exposing her vaginal area. There appears to be a pencil inserted in the girl's vagina.
- d) **IMG_E 27.jpg** - An image of an adult male performing oral sex on a minor male.

6. During the download, SA Daniels used the program CommView to identify the Internet Protocol (IP) address utilized by "Hunter789" which was 74.106.188.193. SA Daniels was then able to determine that IP address 74.106.188.193 was registered to Verizon Internet Services on February 16, 2011.

7. On or about February 18, 2011, an FBI administrative subpoena was provided to Verizon Internet Services seeking subscriber information for IP address 74.106.188.193 in use on February 16, 2011. Verizon complied with the subpoena on or about February 22, 2011, by providing the FBI the following subscriber information for IP address 74.106.188.193 in use on February 16, 2011:

David A. Rinke II
969 E 31st St
Erie, PA 16504
Account creation date: 01/25/2006

8. Based upon the foregoing information, on February 24, 2011, your affiant sought and obtained a federal search warrant authorizing a search of the property at 969 East 31st Street, Erie, Pennsylvania for evidence of material depicting minors engaged in sexually explicit conduct.

9. On February 25, 2011, the federal search warrant was executed at 969 East 31st Street, Erie, Pennsylvania by your affiant and other law enforcement officers.


10. During the execution of the search warrant, your affiant interviewed David A. Rinke II, the sole occupant of 969

East 31st Street, Erie, Pennsylvania. During the interview, David A. Rinke II revealed that he is "Hunter789" on the peer to peer network that SA Jimmie Daniels was working on in an undercover capacity. Rinke further indicated that he has shared and received child pornography as "Hunter789" on this peer to peer network. Rinke was fully aware that users on this peer to peer network were obtaining child pornography images from his shared folder. Rinke further indicated that his computers are password protected and no one else uses his computer equipment. Rinke lives alone and has a wireless Internet connection which he has secured so that it can be used by no one but him. Rinke also revealed that he has been collecting child pornography material for approximately ten to fifteen years. After Rinke provided his computer password and the password to an external hard drive connected to his computer, Corporal Robert Pearson of the Pennsylvania State Police was able to verify that at least ten files depicting minors engaged in sexually explicit conduct that were previously downloaded by SA Jimmie Daniels from "Hunter789" were present on Rinke's external hard drive.

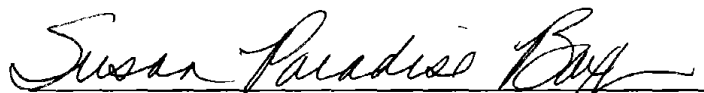
11. Rinke also confirmed that he is presently employed as a tenth grade science teacher at Collegiate Academy in Erie, Pennsylvania. He also revealed that he is a volunteer firefighter and is involved in coaching and refereeing several youth sporting activities. Rinke's house is located approximately one block from Lincoln Elementary School.

Wherefore, there is probable cause to conclude that David A. Rinke II has committed the offenses of knowingly receiving and distributing any visual depictions of a minor, that had been shipped and transported in interstate commerce, specifically, by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, and which depict a minor engaging in sexually explicit conduct, as those terms are defined in Title 18, United States Code, Section 2256, and knowingly possessing any visual depictions which have been shipped or transported in interstate or foreign commerce which depict a minor engaged in sexually explicit conduct, all in violation of Title 18, United States Code, Sections 2252(a)(2) and 2252(a)(4)(B).

The foregoing is true and correct to the best of my knowledge, information and belief.


Jason Crouse
Special Agent
Federal Bureau of Investigation

Sworn and subscribed to before me
this 25th day of February, 2011.


Susan Paradise Baxter
United States Magistrate Judge